

REMARKS

Claims 1, 2, 4 – 12 and 21 are pending and currently under consideration. Claims 13 – 20 are withdrawn from consideration.

Provisional rejection of claims 1, 2, 4 - 12 and 21 on the grounds of nonstatutory obviousness-type double patenting over claims 1 – 15 of co-pending U.S. Patent Application No. 10/817,761

At page 3 of the Office Action, claims 1 – 12 and 21 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 15 of co-pending Application No. 10/817,761. For the following reasons, this rejection is respectfully traversed and reconsideration is requested.

In response, Applicants respectfully submit that in view of the remarks herein, all of the other rejections and objections in the application have been overcome, so that the obviousness-type double patenting rejection above is the only remaining rejection in the application. Applicants note that the present application has an earlier filing date (September 10, 2003) than Application No. 10/817,761 (April 2, 2004) and that U.S. Patent Application No. 10/817,761 has not been indicated as allowable or issued as a patent. Under such a situation, the MPEP at Section 804(I)(B)(1) instructs that the obviousness-type double patent rejection should be withdrawn with regard to the earlier-filed application, which should be allowed to issue. Accordingly, withdrawal of the obviousness-type double patenting rejection in the present application is respectfully requested.

Rejection of claims 1 – 2, 7 - 12 and 21 on the grounds of nonstatutory obviousness-type double patenting over claims 1, 6 – 13, 26 – 27 and 41 of U.S. Patent No. 7,223,500

At page 3 of the Office Action, claims 1 – 2, 7 – 12 and 21 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6 – 13, 26 – 27 and 41 of U.S. Patent No. 7,223,500. For the following reasons, this rejection is respectfully traversed and reconsideration is requested.

It is respectfully submitted that the nonstatutory obviousness-type double patenting rejection of claims of the present application over claims of U.S. Patent No. 7,223,500 is not proper. In the first place, the present application and U.S. Patent No. 7,223,500 do not have a common inventive entity and do not have any inventors in common. Moreover, the present

application and U.S. Patent No. 7,223,500 are not commonly assigned, since the present application is assigned to Samsung SDI Co., LTD and Cheil Industries, Inc., whereas U.S. Patent No. 7,223,500 is assigned only to Samsung SDI Co., LTD. See MPEP Section 804. Therefore, the rejection should be withdrawn.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

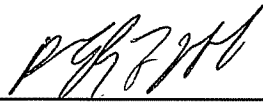
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

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By: 
Ralph T. Webb
Registration No. 33,047

1400 Eye St., N.W.
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510